

Notice of Allowability

Application No.

10/029,355

Examiner

Brad Y. Chin

Applicant(s)

HEHENBERGER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/18/2005.
2. ☒ The allowed claim(s) is/are 35-38, 40-43 and 45-50.
3. ☒ The drawings filed on 26 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

Claim 37, line 3 and claim 38, line 2, replace the words, "the client", with -- a client --.

Allowable Subject Matter

2. Claims 35-38, 40-43, and 45-50 are allowed.

The following is an examiner's statement of reasons for allowance: Claims 35-38 and 45-47 include the limitations for methods, comprising the step of receiving sterilization process information from a sterilization facility via a computer network, where the sterilization process information includes characteristics of a sterilization process; the step of identifying a type of sterilization material based on the characteristics of the sterilization process, and the steps for determining the consumption of such sterilization material and processing an order for delivery of an additionally quantity of the sterilization material. Claims 40-43 and 48-50 include the limitations for a system, comprising a client computer, which transmits sterilization process information from a sterilization facility via a computer network, where the sterilization process information includes characteristics of a sterilization process, and a network server that identifies a type of sterilization material based on the characteristics of the sterilization process,

determines the consumption of such sterilization material and processes an order for delivery of an additionally quantity of the sterilization material.

Price et. al. [U.S. Patent Publication No. 2002/0147502] teach a method and system for managing process information via a computer network, which receives process information from a facility, determines consumption of a quantity of material, and processes a service order for disposal of processed waste, but fail to teach the method for identifying a type of material based on the characteristics of the process information, more specifically sterilization process information, or a network server which identifies a type of material based on the characteristics of the process information, more specifically sterilization process information. Price et. al. also fail to teach determining the consumption of a quantity of the sterilization material by the sterilization facility based on the sterilization process information and processing an order for delivery of an additional quantity of the sterilization material to the sterilization facility based on the determination.

Kippenhan et. al. [WO 01/10476] teach process information and characteristics of a process, but fail to teach the method for identifying a sterilization material based on the characteristics of the sterilization process or a system comprising a network server that identifies a type of sterilization material based on the characteristics of received sterilization process information. Kippenhan et. al. also fail to teach determining the consumption of a quantity of the sterilization material by the sterilization facility based on the sterilization process information and processing an order for delivery of an additional quantity of the sterilization material to the sterilization facility based on the determination.

Eryurek et. al. [U.S. Patent Publication No. 2002/0169514] teach a method and apparatus for receiving process information from computers within the functional areas of a process plant, wherein the process information includes characteristics of the process. Eryurek

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et. al. further teach a network server associated with the method and system, which automatically processes an part orders, work orders, and supply orders based on information from an asset utilization expert system for addressing the maintenance needs of an asset that needs to be fixed and for reducing the amount of time required to receive the parts necessary to provide corrective action with respect to maintenance issues. Eryurek et. al. fail to teach the system and method, which identifies a type of sterilization material based on the characteristics of the sterilization process received from a client computer for determining a consumption of a quantity of the sterilization material based on the sterilization process information and for processing an order for an additional quantity of the sterilization material to the sterilization facility based on the determination.

Ng et. al. [U.S. Patent Publication 2003/0078805] teach a system and method directed to an automated tracking system and interface for use in the blood industry, comprising a client computer for transmitting process information from a facility client computer via a computer network to a network server, wherein the process information includes characteristics of a process. Ng et. al. further teach the method and system, wherein the network server identifies a type of material, e.g. disposable kits/solutions/transfer packs, based on the characteristics of the process, determines consumption of a quantity of the sterilization material by the facility based on the process information, and provides the information to an external server at a supplier's facility, which in turn updates its order database (See page 26, [0392]), but fail to specifically teach the processing of an order for an additionally quantity of the material to the facility based on the determination. Ng et. al. also fail to particularly teach that the material, process information, and facility pertain to sterilization materials, sterilization process information, or sterilization facilities. Ng et. al. particularly teach their method and system are directed to a automated tracking system and interface for use in the blood industry, and it would not have

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been obvious combine references to teach the use of such a system and method in the area of sterilization.

None of the references teach the claimed limitations nor would it have been obvious to combine references to achieve the claimed inventive subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad Y. Chin whose telephone number is 571-272-2071. The examiner can normally be reached on Monday – Friday, 8:00 A.M. – 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sun (John) Kim, can be reached at 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

byc
July 29, 2005


JOHN KIM
SUPERVISORY PATENT EXAMINER